

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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BETTY ANNE WATERS, as  
Administratrix of the Estate of  
KENNETH WATERS,  
Plaintiff,  
v.

TOWN OF AYER, NANCY TAYLOR-  
HARRIS, in her individual capacity,  
ARTHUR BOISSEAU, in his individual  
capacity, WILLIAM ADAMSON, in his  
individual capacity, and PHILIP L.  
CONNORS, in his individual capacity,  
Defendants.

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Case No. 04 CV 10521 (GAO)(JGD)

**PLAINTIFF BETTY ANNE  
WATERS' AMENDED LIST OF  
EXHIBITS IN FURTHERANCE OF  
HER MEMORANDA IN  
OPPOSITION TO DEFENDANTS'  
SUMMARY JUDGMENT  
MOTIONS**

True and correct copies of the following are filed herewith as exhibits:

**I. Deposition Transcript Excerpts**

- Ex. 1, John A. Baliunas (5/17/08)
- Ex. 2, Defendant Arthur Boisseau (8/25/06)
- Ex. 3, Defendant Arthur Boisseau (11/16/06)
- Ex. 4, Defendant Arthur Boisseau (6/13/07)
- Ex. 5, Francis P. Callahan (1/31/07)
- Ex. 6, Defendant Philip Connors (8/25/06)
- Ex. 7, Defendant Philip Connors (11/15/06)
- Ex. 8, Hon. Elizabeth Fahey (11/29/06)
- Ex. 9, John A. Ford (3/6/08)
- Ex. 10, Marilyn Goss (10/9/06)
- Ex. 11, Sgt. Alan Hunte (1/4/08)
- Ex. 12, Sgt. Patrick Keane (5/16/07)
- Ex. 13, Brenda Marsh (11/1/06)
- Ex. 14, Lt. Kenny Martin (3/27/07)
- Ex. 15, Stanley Randall (5/15/07)
- Ex. 16, Lou Reiter (3/25/08)

- Ex. 17, Bruce Taylor (1/30/07)
- Ex. 18, Defendant Nancy Taylor-Harris (11/30/06)
- Ex. 19, Defendant Nancy Taylor-Harris (5/18/07)
- Ex. 20, Plaintiff Betty Anne Waters (11/28/06)

## **II. Criminal Case Materials**

- Ex. 21, Indictments
- Ex. 22, *Comm v. Waters*, Excerpts of Probable Cause Hearing Transcript
- Ex. 23, *Comm v. Waters*, Excerpts of 1982 Grand Jury Transcript
- Ex. 24, *Comm v. Waters*, Excerpts of Criminal Trial Transcript
- Ex. 25, *Comm v. Waters*, Exhibit Lists
- Ex. 26, *Comm. v. Waters*, Sentencing Transcript
- Ex. 27, *Comm. v. Waters*, Commitment Warrants
- Ex. 28, *Comm. v. Waters*, Order Granting Unopposed Emergency Motion for New Trial
- Ex. 29, *Comm. v. Waters, Nolle Prosequi* (6/28/01)

## **III. APD Investigation Documents**

- Ex. 30, Complaint and Arrest Report
- Ex. 31, APD Brow Police Reports, in chronological order
- Ex. 32, Adamson Brow Police Reports
- Ex. 33, APD Brow Daily Logs, in chronological order
- Ex. 34, Search Warrant Application
- Ex. 35, Excerpts of Nancy Taylor APD personnel file
- Ex. 36, Taylor Handwritten Notes

## **IV. State Police Investigation Documents**

- Ex. 37, State Police Reports
- Ex. 38, State Police Crime Laboratory Report(7/28/80)
- Ex. 39, State Crime Laboratory Report (4/17/81)

## **V. Media regarding Taylor and the Brow case**

- Ex. 40, Cathy Johnston, "Brow Family Pleas for Tips to Police," "Ayer Murder Investigation," *Ayer Public Spirit*, June 5, 1980
- Ex. 41, Cathy Johnston, "[Brow Case] Reopened in Ayer," *Ayer Public Spirit*, February 1982
- Ex. 42, Cathy Johnston, "Within her Rights - Taylor," *Ayer Public Spirit*, Sept. 30, 1982
- Ex. 43, *Ayer Public Spirit*, Photograph of Nancy Taylor leading Kenneth Waters into the Ayer police station, Oct. 14, 1982.
- Ex. 44, Cathy Johnston, "Ayer policewoman's pay held back," *Ayer Public Spirit*, Oct. 28, 1982.
- Ex. 45, Norm Hartford, "Nancy Harris - executive secretary to police chief," 1984

## **V. Policies**

- Ex. 46, MPI Policies and Procedures - Informants
- Ex. 47, MPI Policies and Procedures - Interviewing Witnesses
- Ex. 48, Excerpts of MPI Policies and Procedures – Evidence – Handling, Preservation and Security
- Ex. 49, Chain of Custody Documents
- Ex. 50, APD Duties by Rank and Assignment
- Ex. 51, Excerpts from Massachusetts Law Enforcement Handbook & Police Manual (1972)

## **VI. Additional Fingerprint Evidence**

- Ex. 52, State Police Fingerprint File
- Ex. 53, Adamson correspondence (7/16/80)
- Ex. 54, Excerpts of Baliunas Original File (includes crime scene photographs)
- Ex. 55, Affidavit of John Baliunas, with attachments
- Ex. 56, Affidavit of Herbert F. DeSimone, Jr., with attachments<sup>1</sup>
- Ex. 57, Affidavit of Plaintiff's Expert Ron Smith (8/21/07)

## **VII. Additional Alibi Evidence**

- Ex. 58, Autopsy Report (AG156-63) [MS - autopsy report (B245) is duplicate]
- Ex. 59, Excerpt from Paul C. Giannelli & Edward J. Imwinkelreid, SCIENTIFIC EVIDENCE Vol. 2, sec. 19-8 at pp. 125-27 (Michie: 1999).
- Ex. 60, Partial Transcript of May 22, 1980 Interview of Kenneth Waters
- Ex. 61, APD Brow Correspondence from Adamson to Potvin (3/3/81)
- Ex. 62, Correspondence from VA Hospital to Adamson dated Feb. 26, 1981 (enclosing Pina's time records)
- Ex. 63, Ayer District Court Records
- Ex. 64, Park Street Diner Time Cards
- Ex. 65, Stipulation Regarding Waters' Weekly Pay Stub
- Ex. 66, Subpoena for Time Cards;
- Ex. 67, Giudetti Affidavit
- Ex. 68, Lankford Affidavit

## **VIII. Additional Evidence Related to Brenda Marsh**

- Ex. 69, Nancy Taylor report of 10/2/82
- Ex. 70, Nancy Taylor report of 10/5/82

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<sup>1</sup> Please note that Exhibit B to the DeSimone Affidavit (D713) is redacted pursuant to the Court's order of June 14, 2007 (Doc. 95). Defendants' Exhibit 58 includes an unredacted version of this document, which was inadvertently disclosed to the defendants. Plaintiff requests that the Court rely on the redacted version of the document in plaintiff's Exhibit 56.

Ex. 71, Affidavit of Brenda Marsh (2001)

#### **IX. Additional Evidence Related to Roseanna Perry**

Ex. 72, Perry Affidavit & Statement to DeSimone

Ex. 73, Memo to Andrews re Perry Interview

Ex. 74, Unsigned Perry Draft Affidavit

Ex. 75, Rose Perry Affidavit

#### **X. Additional Monell Evidence**

Ex. 76, Affidavit of Plaintiff's Police Practices Expert, Lou Reiter

Ex. 77, *Local 346, Intern. Broth. of Police Officers v. Labor Relations Com'n & Town of Ayer*, 462 N.E.2d 96 (Mass. 1984)

Ex. 78, Selected APD Reports and Daily Logs regarding Ties, in chronological order

Ex. 79, Patricia Montminy and Lisa Berthiaume, "Ex-Officer Found innocent of morals charges," *Lowell Sun*

Ex. 80, Patricia Montminy, "Testimony shows Ayer police department a divided camp," *Lowell Sun*

Ex. 81, Patricia Montminy, "Chief Adamson responds to Ayer police dispute," *Lowell Sun*, Oct. 6, 1981

Ex. 82, Patricia Montminy, "Selectmen enter fray on Ayer police morale," *Lowell Sun*, 10/7/81

Ex. 83, 10/7/81 Adamson letter to Randall

Ex. 84, "Ayer investigator charges efforts to silence him," "Press conference," "Downing urges public to demand an open meeting," *Ayer Public Spirit*, 10/15/81

Ex. 85, Karen E. Guregian, "All charges against Ayer officer dropped by board of selectmen," *Lowell Sun*, Oct. 14, 1981

Ex. 86, Kevin B. Blackstone, "Ayer patrolman accused of rape, his attorney charges a 'frameup'," *Boston Globe*, Oct. 29, 1981

Ex. 87, Cathy Johnston, "Ties grand jury excused – but investigation continues," *Ayer Public Spirit*, July 15, 1982

Ex. 88, *Comm. v. Maher, Nolle Prosequi* (4/3/03)

Ex. 89, Affidavit of Attorney Carney & 1983 M.G. Assault Complaint

#### **XI. Additional Evidence of Innocence**

Ex. 90, Expert Report of Dr. Edward T. Blake, with attachments (7/19/07)

Ex. 91, Expert Report of Dr. Sudhir Sinha, with attachments (5/10/07)

Ex. 92, Middlesex County District Attorney's Office Press Release (3/14/01)

Ex. 93, Jerry O'Brien, "After 18 Years, Sweet Freedom for Mass. Man," *Providence Journal-Bulletin* (3/14/01)

## **XII. Evidence Filed Under Seal**

Ex. 94, APD Report regarding Randall allegations  
Ex. 95, Acton arrest report  
Ex. 96, Excerpts of Marsh 2001 Grand Jury testimony  
Ex. 97, May 23, 2001 Correspondence from Calkins to Love  
Ex. 98, June 8, 2001 Bode Forensic DNA Case Report  
Ex. 99, District Attorney post-conviction documents & notes of ADA Sheila Calkins

## **XIII. Miscellaneous**

Ex. 100, *Comm v. Waters*, Excerpt of Motion for a New Trial Hearing Transcript (Bradley)

Dated: May 28, 2007  
New York, NY

Respectfully submitted,

/s/ Deborah L. Cornwall  
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**CERTIFICATE OF SERVICE**

I, Monica R. Shah, hereby certify that the foregoing document was served via electronic mail and overnight delivery to counsel for the defendants on May 28, 2008 as indicated below:

Joseph L. Tehan, Jr.  
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/s/ Monica R. Shah  
Monica R. Shah